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FACSIMILE COVER SHEET

Date: August 18, 2006
To: Refund Department
Client Code: 1855
Facsimile No.: 1-571-273-6500
From: Deirdre E. Sanders, Esq.
Subject: U.S. Patent Application No.: 08/842,898
HBSR Docket No.: 1855,2067-018

Number of pages including this cover sheet: 5Please confirm receipt of facsimile: Yes X No **Comments:**

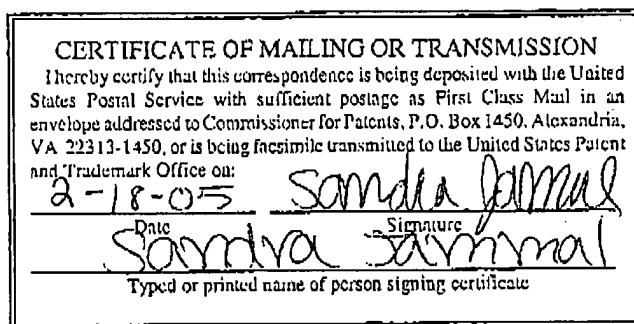
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February 18, 2005

PATENT APPLICATION
Docket No.: 1855.2067-018 (MEI-014CP)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sean A. McCarthy
Application No.: 08/842,898 Group: 1647
Filed: April 17, 1997 Examiner: D.S. Romeo
Confirmation No.: 5718
For: NOVEL CRSP-1 COMPOSITIONS AND THERAPEUTIC AND
DIAGNOSTIC USES THEREFOR

REQUEST FOR RECONSIDERATION OF DENIAL OF REFUND

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Request for reconsideration is being filed in response to the correspondence mailed from the U.S. Patent and Trademark Office on December 27, 2004 in the above-identified application (copy attached). The correspondence indicates that the Request for Refund under 37 C.F.R. § 1.26 filed on November 9, 2004 has been denied.

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The Request for Refund was denied on the following basis:

The time has expired for a refund of this fee. A refund based on establishment of small entity status may only be obtained if a verified statement under 37 C.F.R. 1.27 and a request for the refund of excess amount are filed within three months of timely payment of the full fee (37 CFR 1.28).

A "Small Entity Status Change and Fee Deficiency Submission under 37 C.F.R. 1.28(c)" was filed on June 17, 2004, indicating that it had recently been discovered that small entity status was established in error. The fee deficiency was paid in full by check on June 17, 2004. In addition, entity status was changed to LARGE. The Patent Office accepted the fee deficiency in the Decision on Petition mailed on July 5, 2004.

The Patent Office then charged additional fees in error. These fees appeared on a Monthly Statement of Deposit Account, dated June 30, 2004, for Account No. 08-0380 (U.S. Application No. 08/842,898; Date Posted 6/22/04). Applicant requested a refund of the additional fees that were charged in error. The Request for Refund was filed on November 9, 2004 under 37 C.F.R. § 1.26, which was within two years of the date the fees were charged in error (Posted on 6/22/04). As noted above, entity status in the subject application was recently changed to LARGE. The Request for Refund was not a request for reimbursement under 37 C.F.R. § 1.28(a), but was a request for refund of fees charged in excess of the fee deficiency owed and already paid in full. Such a Request for Refund is timely, if made within two years of the date the fee was charged (see 37 C.F.R. § 1.26(b)).

Reconsideration of the denial of the Request for Refund under 37 C.F.R. § 1.26 filed on November 9, 2004 is respectfully requested. The original fee deficiency was properly calculated in the "Small Entity Status Change and Fee Deficiency Submission under 37 C.F.R. 1.28(c)"

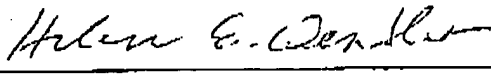
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filed on June 17, 2004. The Request for Refund details the reasons the additional fees charged are in error.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 
Helen E. Wendler
Registration No. 45,170
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Concord, MA 01742-9133

Dated: February 18, 2005

**COPY**

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

December 27, 2004

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133
US

Dear Sir/Madam,

Your refund request for 08842898 in the amount of \$975.00 has been denied.

Small entity status fee not refundable. The time has expired for the refund of this fee. A refund based on establishment of small entity status may only be obtained if a verified statement under 37 CFR 1.27 and a request for the refund of excess amount are filed within three months of timely payment of the full fee (37 CFR 1.28).

Sincerely,

ELEANOR KURTZ
Technical Center Others
703 308-3642

